

SURRANO LAW OFFICES

A PROFESSIONAL CORPORATION

CHARLES J. SURRANO III

CJS@SURRANOLAWFIRM.COM

JOHN N. WILBORN

JNW@SURRANOLAWFIRM.COM

ATTORNEYS AT LAW

7114 E. STETSON DRIVE

SUITE 300

SCOTTSDALE, ARIZONA 85251

(602) 264-1077

FAX (602) 264-2213

WWW.SURRANOINSURANCEBADFAITH.COM

September 30, 2022

Hon. Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Application GRANTED. The Clerk of Court is directed to designate cases 17-cv-09355 and 18-cv-10730 as no longer related to case 16-cv-00740. The Clerk of Court is directed to terminate ECF No. 653.

SO ORDERED.

Re: **LETTER MOTION (Unopposed)**

James M. Croft and Daniel E. Croft, Trustees of the Croft

Irrevocable Trust v. AXA Equitable Life Ins. Co.,

1:17-cv-9355-JMF;

Eunice Peterson Family Partnership LLLP, E. Peterson

Investments, LLC v. AXA Equitable Life Ins. Co.,

1:18-cv-10730-JMF

In re AXA Equitable Life Ins. Co. COI Litigation,

Nos. 16 Civ. 740 (JMF); 17 Civ. 4767 (JMF);

17 Civ. 4803 (JMF); 18 Civ. 2111 (JMF); 18 Civ. 10730 (JMF) –

This Document Relates to All Related Actions

October 3, 2022

Dear Judge Furman:

I represent Plaintiffs in *James M. Croft and Daniel E. Croft, Trustees of the Croft Irrevocable Trust v. AXA Equitable Life Ins. Co.*, N1:17-cv-9355-JMF (hereafter “*Croft*”), and in *Eunice Peterson Family Partnership LLLP, E. Peterson Investments, LLC v. AXA Equitable Life Ins. Co.*, 1:18-cv-10730-JMF (hereafter “*Peterson*”), both of which are related civil actions captioned above (the “Related Actions”) in the above-referenced matters. Both *Croft* and *Peterson* have settled and have been dismissed with prejudice (*see attached*, Doc.178 in *Croft*; and Doc. 78 in *Peterson*).

Therefore, in accordance with Your Honor’s Individual Rules and Practices in Civil Cases, I submit this unopposed Letter Motion for the purpose of requesting the removal of these matters from the Related Actions *In re AXA Equitable Life Ins. Co. COI Litigation*, 1:16-cv-00740-JMF, and terminate all ECF notifications thereto to me and my staff. Further, my *pro hac vice* status in these matters would accordingly end with the termination of these matters from the Related Actions.

Hon. Jesse M. Furman
September 30, 2022
Page 2

Counsel undersigned has communicated with Defendant's Counsel regarding this request to terminate the *Croft* and *Peterson* matters from the Related Actions, effectively ending my *pro hac vice* status, and terminating all ECF notifications to me and my staff, which they do not oppose.

WHEREFORE, this Letter Motion is submitted for Your Honor's accelerated consideration and, if approved, to be so Ordered terminating the *Croft* and *Peterson* matters from the Related Actions, *In re AXA Equitable Life Ins. Co. COI Litigation*, 1:16-cv-00740-JMF, directing the Clerk of Court to remove me and my staff from all ECF notifications related to the matter, and, effectively, terminating my *pro hac vice* status.

Thank you for your consideration. Feel free to contact me should you have any questions regarding this request.

Sincerely,


SURREANO LAW OFFICES

John N. Wilborn

JNW/jl

cc (via ECF): All Counsel of Record in the Related Actions

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JAMES M. CROFT AND DANIEL E. CROFT,
TRUSTEES OF THE CROFT IRREVOCABLE
TRUST, REAL PARTY IN INTEREST, ON
BEHALF OF THE TRUST,

Plaintiff,
-vs.-

AXA EQUITABLE LIFE INSURANCE COMPANY,
Defendant.

Case No.: 1:17-cv-9355 (JMF)

STIPULATION OF DISMISSAL

In accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties hereby stipulate and agree to the voluntary dismissal with prejudice of the above-captioned action and all claims and defenses asserted therein.

Dated: September 12, 2022
New York, New York

SURRANO LAW FIRM

By: 

John Neal Wilborn
Charles J. Surran, III

jnw@surranolawfirm.com
cjs@surranolawfirm.com

7114 East Stetson Drive, Suite 300
Scottsdale, AZ 95251
602-264-1077

*Attorneys for Plaintiffs James M. Croft and
Daniel E. Croft, Trustees of the Croft
Irrevocable Trust, Real Party in Interest, on
Behalf of the Trust*

MILBANK LLP

By: 

David R. Gelfand
Scott A. Edelman
Robert C. Hora
Antonia M. Apps

dgelfand@milbank.com
sedelman@milbank.com
rhora@milbank.com
aapps@milbank.com

55 Hudson Yards
New York, NY 10001
212-530-5000

*Attorneys for Defendant AXA Equitable Life
Insurance Company*

SO ORDERED


September 15, 2022

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

EUNICE PETERSON FAMILY PARTNERSHIP,
LLLP, E. PETERSON INVESTMENTS, LLC,
ARIZONA LIMITED LIABILITY COMPANIES,

Plaintiff,
-vs.-

AXA EQUITABLE LIFE INSURANCE COMPANY,
Defendant.

Case No.: 1:18-cv-10730 (JMF)

STIPULATION OF DISMISSAL

In accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties hereby stipulate and agree to the voluntary dismissal with prejudice of the above-captioned action and all claims asserted therein.

Dated: July 25, 2022
New York, New York

SURRANO LAW OFFICE

MILBANK LLP

By: /s/ John Neal Wilborn

John Neal Wilborn
Charles J. Surrano, III

jnw@surranolawfirm.com
cjs@surranolawfirm.com

7114 East Stetson Drive, Suite 300
Scottsdale, AZ 95251
602-264-1077

*Attorneys for Plaintiffs Eunice Peterson
Family Partnership and E. Peterson
Investments LLC*

By: /s/ David R. Gelfand

David R. Gelfand
Scott A. Edelman
Robert C. Hora
Antonia M. Apps

dgelfand@milbank.com
sedelman@milbank.com
rhora@milbank.com
aapps@milbank.com

55 Hudson Yards
New York, NY 10001
212-530-5000

*Attorneys for Defendant AXA Equitable Life
Insurance Company*

Any pending motions are moot. All conferences are vacated. The Clerk of Court is directed to close the case. SO ORDERED.



July 26, 2022